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FACSIMILE TRANSMISSION

DATE: June 6, 2005

TO: EXAMINER DOUGLAS BUTLER

FACSIMILE NO.: 703-872-9306

FROM: John G. Posa


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RE: SN 10/073,399

MESSAGE:

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. ETR-03202/03	
Applicant(s): Rivin			
Application No. 10/073,399	Filing Date Feb. 11, 2002	Examiner D. Butler	Group Art Unit 3683
Invention: NONLINEAR AND ADJUSTABLE BUSHINGS			
<p>I hereby certify that this _____ <u>Response to Office Communication</u> _____</p> <p style="text-align: center;"><small>(Identify type of correspondence)</small></p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703/872-9306</u>)</p> <p>on _____ <u>June 6, 2005</u> _____</p> <p style="text-align: center;"><small>(Date)</small></p> <div style="text-align: right; margin-top: 100px;"> <p>Sheryl L. Hammer</p> <p><small>(Typed or Printed Name of Person Signing Certificate)</small></p> <p></p> <p><small>(Signature)</small></p> </div>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rivin

Serial No.: 10/073,399

Group No.: 3683

Filed: February 11, 2002

Examiner: D. Butler

For: NONLINEAR AND ADJUSTABLE BUSHINGS

RESPONSE TO OFFICE COMMUNICATION

Mail Stop AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Communication dated April 29, 2005, Applicant continues to believe that all claims are readable upon the elected group, Species C and D. The Examiner points to claims 18 and 21 as encompassing subject matter precluded by the election, but Applicant respectfully disagrees. Claim 18, which is dependent upon claim 15, sets forth [separate, spaced-apart rubber elements] embedded in a foam matrix. While it is true that the elements of Figures 4, 5 and 6 could be embedded in such a matrix, none of the other embodiments of the invention, including those set forth in the specification with respect to Figure 10-12 preclude such a configuration. It would be clear to one of skill in the art that a foam matrix is an alternative way of embedding the elements, which none of the disclosed embodiments necessarily preclude.

The same holds true for claim 21. Claim 21, also dependent upon claim 15, recites elements having a glass transition temperature, and wherein the elements are precompressed and frozen below their glass transition temperature prior to insertion between the sleeves. Again, one of skill in the art would recognize that this is an alternative technique for preloading, which is not precluded by the inventions of Figures 10-12. Although Figures 10-12 do include a shoe and actuator, such configurations do not leave out the possibility of other types of preloading being used prior to the use of the actuation. In other words, the elements could be preloaded using any of the embodiments disclosed in the specification, with the shoe(s) and actuator(s) being used to "tweak" something previously

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precluded using a different approach. Accordingly, Applicant believes this claim also reads on the elected species.

With regard to the Examiner's comments intended to advance prosecution, Applicant's representative has perused these carefully, and appreciates the Examiner's insight with respect thereto. However, unless Applicant is presented with a rejection on the merits, distinctly pointing out exactly why one or more of the pending claims read on the cited references alone or in combination, the undersigned is not motivated make amendments in advance. Accordingly, if the Examiner contends that claim 15 or any other of the claims presented for examination are "unduly broad," Applicant respectfully requests that specific reasons be given with respect to the claims at issue.

Respectfully submitted,

By: 

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Dated: June 6, 2005

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